

REMARKS

Claims 1-15, 17-19, 22-24, and 28 are pending in the present application. Claims 16, 20-21, and 25-27 have been cancelled in a previous amendment. In this Response, claims 1, 17, and 28 have been amended. Claims 1 and 17 have been amended to correct typographical errors.

Claims 1-15 and 17-19 are objected to because of informalities. Claims 1-15, 17-19, 22-24, and 28 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application No. 2001/0018660 to Sehr (“Sehr”).

Objections to Claims 1-15 and 17-19

Claims 1-15 and 17-19 are objected to because of the following informalities: In the last paragraph of claim 1, the spacing between the letters in the words should be correct. Accordingly, the spacing between the letters in claim 1 has been adjusted to correct the typographical error. As such, claim 1 has been identified as “Currently Amended” even though there are no markings to show the changes to the spacing between the letters. Therefore, the undersigned representative respectfully requests that the Examiner withdraw the objections to claims 1-15 and 17-19.

Rejection of Claims 1-15, 17-19, 22-24, and 28 Under 35 U.S.C. § 102(e)

Claims 1-15, 17-19, 22-24, and 28 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application No. 2001/0018660 to Sehr (“Sehr”). This rejection is respectfully traversed. The Office has a burden to prove anticipation of the claims. In order to maintain an anticipatory rejection under 35 U.S.C. § 102, a reference must teach every element of the claim. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). (A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.). The Office has not met its burden of proving that Sehr is an anticipatory reference with respect to claims 1, 22, and 28.

Sehr does not disclose each and every element of claim 1. More specifically, Sehr does not disclose “adding the second user’s payment information to the payment instructions,” as recited in claim 1. The Office fails to provide a citation to Sehr that

discloses this element. The Office refers the undersigned representative generally to paragraphs [0075], [0078] – [0080], and [0115], as well as FIG. 4, for an alleged disclosure of each and every element of claim 1. However, the undersigned representative asserts that none of these citations disclose “adding the second user’s payment information to the payment instructions.” Although Sehr discloses payment, the system in Sehr does not add the second user’s payment information to the first user’s payment instructions. Further, Sehr does not “rout[e] the payment information and the payment instructions to the issuer utilizing network instructions,” as recited in claim 1. The system in Sehr separately routes such “payment information” and “payment instructions.” For example, in operation of the Sehr system, Sehr does not disclose combining a cardholder’s payment information with a vendor’s payment instructions to a bank. Therefore, Sehr does not disclose each and every element of claim 1. The undersigned representative respectfully requests that the Office withdraw the rejection of claim 1.

Sehr does not disclose each and every element of claim 22. More specifically, Sehr does not disclose “storing the payment information from the programmable memory device in a memory portion of the terminal for future processing of the financial transaction,” as recited in claim 22. The Office fails to provide a citation to Sehr where this element is disclosed. In fact, the Office has not provided, with any specificity, a citation or disclosure of any element recited in claim 22, or its dependent claims. Sehr discloses a “Card Read/Write Device.” However, this Card Read/Write Device does not “stor[e] the payment information from the programmable memory device in a memory portion of the terminal for future processing of the financial transaction.” Paragraph [0036] of Sehr discloses:

The Card Read/Write Device (12) can read the visitor card's contents as well as write information into the card; this read/write information can also be displayed onto the card reader. The card data can further be displayed and manipulated within the visitor card or on the monitor of a computer terminal. The visitor card can communicate, via such a read/write module, with the other system components including equipment that captures card data relating to text, graphics, audio or video information. This module can be a stand alone device, incorporated into computer terminals via appropriate plug-in boards, or implemented by the visitor card via appropriate input/output ports.

The Card Read/Write Device of Sehr does not store payment information from the programmable memory device. *See also* paras. [0100] and [0136]. Further, the Card Read/Write Device of Sehr does not disclose storing any type of data for future processing of a financial transaction. In fact, nowhere in the entire disclosure of Sehr is a disclosure of storing for the purpose of future processing. Therefore, Sehr does not disclose each and every element of claim 22. The undersigned representative requests that the Office withdraw the rejection of claim 22.

For at least the reasons stated above, Sehr does not anticipate independent claims 1 or 22 of the present application. Therefore, the undersigned respectfully submits that independent claims 1 and 22 are allowable over the cited art. Further, dependent claims 2-15, 17-19, and 23-24 are also allowable as they contain the limitations of the claims on which they depend. Therefore, the undersigned representative respectfully requests that the Examiner withdraw the rejection of claims 2-15, 17-19, and 23-24.

Further, Sehr does not disclose each and every element of claim 28, as amended. Even though the Office has not met its burden of establishing each and every element of claim 28 as being disclosed in Sehr, claim 28 has been amended to further recite “a programmable memory device issued to a second user for storing information related to the financial transaction.” This amendment finds support in the originally filed specification on page 18, line 17 – page 19, line 2. Sehr does not disclose a vendor, merchant, or other party besides a visitor having a visitor card (11). “The Electronic Visitor Card (11) is the portable card used by the visitors when attending an event or buying goods and services.” *See, e.g.*, para. [0056]. Sehr does not disclose a second user having a programmable memory device and, therefore, does not disclose each and every element of claim 28. The undersigned representative respectfully requests that the Office withdraw the rejection of claim 28.

CONCLUSION

The undersigned representative respectfully submits that this application is in condition for allowance, and such disposition is earnestly solicited. If the Examiner believes that the prosecution might be advanced by discussing the application with the undersigned representative, in person or over the telephone, we welcome the opportunity to do so. In addition, if any additional fees are required in connection with the filing of this response, the Commissioner is hereby authorized to charge the same to Deposit Account No. 501458.

Respectfully submitted,

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